

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

In re:
AMOS FRANKLIN DAVIS, JR.,
Debtor

Chapter 7
Case No.: 11-00344-8-RDD

OBJECTION TO CLAIM AND NOTICE THEREOF

The undersigned Trustee, by and through counsel, objects to the following claims on the grounds set forth below and hereby gives notice to the claimants of such objections:

Claim No.	Name and Address of Claimant	Amount of Claim	Basis of Objection & Relief Requested
11	HSBC Bank Nevada, N.A. (Polaris) Bass & Associates, P.C. Attn: Corporate Officer 3936 E. Ft. Lowell Road, Suite 200 Tucson, AZ 85712	\$3,168.53	The claimant filed a secured claim. The claimant did not obtain a determination of secured status pursuant to 11 U.S.C. § 506, any collateral securing this claim has not been administered by the trustee, the creditor retains any right it may have to any collateral securing this claim. This claim should be allowed as a fully secured claim and will receive no distribution. Any unsecured claim should be disallowed.

NOTICE IS HEREBY GIVEN to the creditors/claimants named above that if no response to the above objection is filed in writing with the **CLERK, UNITED STATES BANKRUPTCY COURT, 1760-A PARKWOOD BOULEVARD, WILSON, NORTH CAROLINA 27893** within **THIRTY (30) DAYS** of the date of this objection and notice, the relief requested by the Trustee herein may be granted without hearing or further notice. (If objection is being made to any claim of the IRS the **IRS** shall be allowed **THIRTY FIVE (35) DAYS** from the date of this objection and notice to file a response.) Any party desiring a hearing must request a hearing in writing with the above Clerk within the time set forth herein; otherwise, no hearing will be conducted unless the Court, in its discretion, directs that a hearing be set. If a hearing is requested, such hearing will be conducted at a date, time and place to be later fixed by the Court and the parties requesting such hearing will be notified accordingly. Any party filing a response and requesting a hearing shall attend the hearing or costs may be assessed against him.

DATED: March 18, 2013

s/George M. Oliver
George M. Oliver
OLIVER FRIESEN CHEEK, PLLC
N.C. State Bar No. 26587
P.O. Box 1548
New Bern, NC 28563
Telephone: (252) 633-1930
Facsimile: (252) 633-1950
Email: gmo@ofc-law.com

AFFIDAVIT IN SUPPORT OF OBJECTION TO CLAIM

The undersigned Trustee, having first been duly sworn, deposes and says:

1. That he has reviewed the proof of claim filed by the creditors/claimants set forth in the attached Objection to Claim and Notice Thereof.
2. That he has filed the objection set forth in the attached Objection to Claim and Notice Thereof in good faith.

DATED: March 18, 2013

s/George Mason Oliver
George Mason Oliver
Trustee in Bankruptcy

Sworn to and subscribed before
me this 18th day of March, 2013.

s/Robyn J. Kirschner
Notary Public
My Commission Expires: May 30, 2017

CERTIFICATE OF SERVICE

I, George Mason Oliver, Post Office Box 1548, New Bern, North Carolina 28563, certify:

That I am at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 18th day of March, 2013, I served copies of the Objection to Claim and Notice Thereof and Affidavit in Support of Objection to Claim in the above captioned case upon the below named persons by mailing, postage prepaid, first class mail, (or by certified mail, return receipt requested where indicated below) or electronically as indicated a copy of such instrument to such persons, parties and/or counsel at the address shown below.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: March 18, 2013

s/George M. Oliver
George M. Oliver
OLIVER FRIESEN CHEEK, PLLC
N.C. State Bar No. 26587
P.O. Box 1548
New Bern, NC 28563
Telephone: (252) 633-1930
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Email: gmo@ofc-law.com

cc:

Bankruptcy Administrator (via CM/ECF)

Richard L. Cannon III (via CM/ECF)
Attorney for Debtor

Amos Franklin Davis, Jr.
346 Woodberry Circle
Raeford, NC 28376

HSBC Bank Nevada, N.A. (Polaris) (via certified, return receipt)
Bass & Associates, P.C.
Attn: Corporate Officer
3936 E. Ft. Lowell Road, Suite 200
Tucson, AZ 85712